

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Alastair J. D. Beadle, et al.
Application No. : 10/716,305 Confirmation No. : 6925
Filed : November 18, 2003
For : SYSTEM AND METHOD FOR MANAGING
RELATIONSHIPS BETWEEN BROKERS AND
TRADERS USING A MESSAGING FORMAT
Group Art Unit : 3691
Examiner : Kellie L. Campbell

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents:

Applicant requests review of the Final Rejection of January 22, 2010 in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets.

REMARKS**I. THE REFERENCE HAS NOT BEEN SHOWN TO DISCLOSE ALL CLAIM LIMITATIONS**

In rejecting the claims, the Examiner essentially asserts that the “entire document” of Patterson (U.S. Patent No. 6,539,362) discloses all 62 pending claims without providing any explanation as to how Patterson discloses the claims.

37 C.F.R. § 1.104(c)(2) sets the minimum standards for a validly-issued Office Action, indicating in part that (i) “[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable, and that (ii) “[t]he pertinence of each reference, if not apparent, must be clearly explained....” Rejecting the claims based on the “entire document” of Patterson, without providing an explanation as to how Patterson discloses or suggests all claim limitations, is contrary to Rule 1.104.

For example, paragraph 6 of the Office Action reads in part:

As per Claims 1, 3, 43, 44, 45, 46, 47, and 48, Patterson discloses the limitations of these claims (abstract, figures, entire document, for example see Column 6, Lines 46-67 ...). Office Action, paragraph 6, page 3.

Thereafter, the Examiner compares a single phrase of claim **1** to Patterson (see Office Action, page 4), and then merely lists each of claims **1, 3, 43, 44, 45, 46, 47, and 48**, never making any further reference to Patterson. See Office Action, paragraph 7, pages 4-9. In other words, the Examiner provides almost no explanation as to how Patterson discloses claims **1, 3, 43, 44, 45, 46, 47, and 48**.

For example, in addition to the above-noted phrase, claim **1** also recites in part:

receiving by a computing server from a first broker via a first computing terminal a request by the first broker to manage trading orders, via a trading system, on behalf of a user,

wherein to manage trading orders via the trading system includes at least:
to submit, on behalf of the user, trading orders to the trading system,
to modify, on behalf of the user, existing trading orders on the trading system, and
to cancel, on behalf of the user, existing trading orders on the trading system ...; ...

receiving by the computing server from a second broker via a second computing terminal a request by the second broker to manage trading orders, via the trading system, on behalf of the user, wherein the computing server and the second computing terminal are communicatively coupled via the communications network; ...

receiving by the computing server from the first broker via the first computing terminal a trading order submitted by the first broker on behalf of the user, wherein the trading order comprises at least one of a bid to buy and an offer to sell a financial instrument;

communicating by the computing server the trading order to the trading system;

receiving by the computing server from the trading system a trading message that is directed to the user and is in response to the trading order;

based at least in part on the trading message being directed to the user, identifying by the computing server, from at least the first and the second stored data, brokers having a relationship with the user, including identifying at least the first broker and the second broker;

based at least in part on identifying the first broker, communicating by the computing server the trading message to the first broker via the first computing terminal; and

based at least in part on identifying the second broker, communicating by the computing server the trading message to the second broker via the second computing terminal.

The Examiner provides no explanation as to how the “entire document” of Patterson discloses such limitations, let alone how Patterson column 6, lines 46-67 may disclose such limitations. Furthermore, Patterson column 6, lines 46-67 does not disclose all these limitations. Similarly, the Examiner fails to provide any explanation regarding claims 3, 43, 44, 45, 46, 47, and 48.

The Examiner similarly rejects the remaining pending claims. See Office Action paragraph 9, page 9; paragraph 11, page 14; and paragraph 13, page 20.

II. CONCLUSION

For at least the foregoing reasons, withdrawal of the rejection is respectfully requested.

Respectfully submitted,

July 12, 2010
Date

/Glen R. Farbanish/
Glen R. Farbanish
Reg. No. 50,561
(212) 294-7733/phone